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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/815,849	<b>Applicant(s)</b> TANAKA, NOBUYUKI	
	<b>Examiner</b> Michael Pyzocha	<b>Art Unit</b> 2137	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 4 and 6-8 are pending.
2. Amendment filed 02/16/2006 has been received and considered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donescu et al (US 6674873) and further in view of Jenson et al (US 6421445).

As per claims 4 and 7, Donescu et al discloses an electronic watermark detection apparatus comprising: insertion information memorizing means for preliminarily memorizing insertion information for designating a type of electronic watermark data to be inserted block by block in one frame divided into a plurality of blocks (see column 13 lines 25-46, figure 5, and column 5 line 66 through column 6 line 6); data

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extracting means, supplied with an electronic watermark inserted composite image divided into a plurality of blocks in which individual electronic watermark data are inserted block by block, for extracting on the basis of said insertion information the electronic watermark data in said electronic watermark inserted composite image by adding the blocks in which the same electronic watermark data are inserted to produce extracted data (see column 13 line 62 through column 14 line 9); electronic watermark data memorizing means for preliminarily memorizing a plurality of electronic watermark data inserted in the respective blocks (see column 13 line 62 through column 14 line 2); electronic watermark data detecting means for calculating a statistical similarity between said extracted data and the respective electronic watermark data stored in said electronic watermark data memorizing means (see column 14 lines 3-9); determining whether or not said determining means for electronic watermark data is detected by comparing the value with a predetermined threshold value (see column 14 lines 7-9).

Donescu et al fails to disclose accumulating said statistical similarity for a predetermined time interval to produce an accumulated addition value.

However, Jenson et al teaches such accumulation (see column 29 lines 38-50)

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At the time of the invention it would have been obvious to a person of ordinary skill in the art to accumulate Donescu et al's statistical similarity over a time interval.

Motivation to do so would have been to average out noise (see Jenson et al column 29 lines 38-50).

As per claims 6 and 8, the modified Donescu et al and Jenson et al system discloses an electronic watermark detection apparatus electronic watermark comprising: insertion information memorizing means for preliminarily memorizing insertion information for designating a type of electronic watermark data to be inserted block by block in one frame divided into a plurality of blocks (see Donescu et al column 13 lines 25-46, figure 5, and column 5 line 66 through column 6 line 6); supplied with a Huffman coded composite image obtained by Huffman coding an electronic watermark inserted composite image divided into a plurality of blocks in which individual electronic watermark data are inserted block by block, for decoding said Huffman coded composite image block by block to produce a decoded composite image (see Donescu et al column 13 line 62 through column 14 line 9 and column 6 lines 59-64); data extracting means for extracting on the basis of said insertion information, the electronic Watermark data in said decoded composite image by adding the blocks in which the same

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electronic watermark data are inserted to produce extracted data (see Donescu et al column 13 line 62 through column 14 line 9); memorizing means for preliminarily memorizing a plurality of electronic watermark data inserted in the respective blocks; electronic water data detecting means for calculating a statistical similarity between said extracted data and the respective electronic watermark data stored in said electronic watermark data memorizing means (see Donescu et al column 14 lines 3-9); electronic watermark data accumulating means for accumulating said statistical similarity for a predetermined time interval to produce an accumulated addition value (see Jenson et al column 29 lines 38-50); and determining means for determining whether or not said is detected by comparing said with a predetermined threshold electronic watermark data accumulated addition value (see Donescu et al see column 14 lines 7-9).

### ***Response to Arguments***

5. Applicant's arguments filed 02/16/2006 have been fully considered but they are not persuasive. Applicant argues Donescu et al does not meet Applicant's limitation of "insertion information memorizing means" based on the specification; Jenson et al fails to disclose accumulating statistical similarities

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for a predetermined time period; and one of ordinary skill in the art would not have combined Donescu et al and Jenson et al.

With respect to Applicant's argument that Donescu et al does not meet Applicant's limitation of "insertion information memorizing means" based on the specification, the cited paragraph 0078 of Applicant's specification merely gives an example of the insertion information stored in memory. A recitation of an example does not constitute defining a claimed term.

With respect to Applicant's argument that Jenson et al fails to disclose accumulating statistical similarities for a predetermined time period; Donescu et al teaches calculating a statistical similarity between watermark data (see column 14 lines 3-9) and Jenson et al is relied upon to teach comparing values over a period of time (see column 29 lines 38-50).

With respect to Applicant's argument that one of ordinary skill in the art would not have combined Donescu et al and Jenson et al; one of ordinary skill in the art of coding data would have been motivated to collect Donescu et al's statistical data of a time period to average out noise, as taught by Jenson et al column 29 lines 38-50.

**Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the

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organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER